

## **REMARKS**

This is a response to the Office Action dated January 10, 2005.

### **SUMMARY OF OFFICE ACTION**

In the Office Action, the Examiner rejected Claims 1-6 and 9-17 under 35 USC §103(a) as being unpatentable over Shaffer (U.S. Patent No. 6,411,207) in view of Livingston, III (U.S. Patent No. 5,075,671) based on a view that it would have been obvious to one skilled in the art (1) to use a light in the device of Shaffer because it would aid the rescue squad in finding the person when life-threatening situation occurs and (2) to add a push button switch in the system of Shaffer to facilitate the request for help by the user. Claims 7-8 were also rejected under 35 USC §103(a) as being unpatentable over Shaffer in view of Livingston, III and further in view of Lawrence (U.S. Patent No. 6,371,055) based on a view that it would have been obvious to a skilled artisan, at the time the invention was made, to implement the system so that audible sound with frequency heard by animal would be provided because it would be helpful to rescue personnel who uses dogs or other animals to locate the user. Claims 18-20 were also rejected under 35 USC §103(a) as being unpatentable over Shaffer in view of Livingston, III and further in view of Lemelson et al. (U.S. Patent No. 6,028,514) based on a view that a skilled artisan would have readily recognized the desirability of combining the combined system of Shaffer and Livingston, III and Lemelson because it would allow the user to receive warning signals directly provided by the personal alarm device as the result of the detection of the situation within the vicinity of the device as well as when an impending danger is detected by the central monitoring station in location remote from the personal alarm device location.

### **APPLICANT'S RESPONSE**

#### **Claims 1-20 and new Claim 38**

In the Office Action, the Examiner rejected Claim 1 under 35 USC §103(a) as being unpatentable over Shaffer in view of Livingston, III based on a view that it would have been obvious to one skilled in the art to use a light in the device of Shaffer because it would aid the rescue squad in finding the person when life-threatening situation occurs and to add a

push button switch in the system of Shaffer to facilitate the request for help by the user. In response, Applicant has amended Claim 1 by deleting the push button switch limitation and further including limitations directed to a modem input device activating a locator signal generator in response to receipt of danger signals.

Applicant respectfully submits that Shaffer does not disclose or make obvious two aspects of such limitation, specifically, (1) a locator signal generator, and (2) a locator signal generator activated by receipt of danger signals by a modem input device, as recited in Claim 1. In support thereof, Applicant directs the Examiner's attention to col. 5, lns. 28-31 of Shaffer. Such section recites that "[l]ocation information may be provided by a global positioning system included in the personal alert device 20 or by a nearby base station networked with the personal alert device." (emphasis added). This referenced section discusses a locator signal receiver but does not disclose that a locator signal generator based on a view that the location information is provided by the GPS system or the base station. The GPS system is in the Shaffer device but is understood to mean that the GPS system is receiving the GPS signals being broadcast by the satellites in earth's orbit. Hence, Shaffer does not disclose a locator signal generator that is operative to emit a locator signal.

Furthermore, there is no motivation to incorporate a locator signal generator into the Shaffer device. The reason is that location information received by the Shaffer device does not appear to be used for another purpose other than to determine the best course of action for the user of the Shaffer device. In support thereof, Applicant directs the Examiner's attention to col. 5, lns. 32-35 which recites that the course of action is generated by the processor 24 located in the Shaffer device (see Figure 2). The location information received by the Shaffer device is used internally by the Shaffer device. Hence, there is no motivation to emit the locator signal via the locator signal generator, and thus there is no motivation to incorporate a locator signal generator into the Shaffer device.

Additionally, Shaffer does not disclose a modem input device that activates the locator signal generator in response to receipt of danger signals by the modem input device, as recited in amended Claim 1. In support thereof, assuming arguendo that the other Shaffer devices networked together may emit a locator signal for transmission to other Shaffer devices, (col. 5, lns. 19-41), the activation of the locator signal does not appear to be

activated in response to receipt of danger signals by a modem input device. It appears that the locator signal is emitted in response to sensing the danger by its remote sensors.

Further, there is no motivation to incorporate a modem input device that activates a locator signal generator in response to receipt of danger signals wherein the locator signal generator is operative to emit a locator signal. In support thereof, one of the purposes of the Shaffer device is to provide a course of action to the user of the Shaffer device in light of surrounding dangers. As understood, the purpose of the Shaffer device is not to notify rescue personnel. The Shaffer device appears to be directed to providing an immediate course of action such that the person may move to a safer place in light of surrounding dangers. Hence, Applicant respectfully submits that there is no motivation to modify the Shaffer device with a locator signal generator activated by a modem input device in response to receipt of danger signals thereby, and thus, Claim 1 is believed to be in condition for allowance. Also, Applicant also respectfully submits that the dependent claims of Claim 1, namely, Claims 2-20 and 38-39 are in condition for allowance for being dependent upon an allowable base Claim 1.

Applicant also respectfully submits that Claims 2-20 and 38-39 are in condition for allowance for containing additional patentable subject matter. Applicant by this Amendment has deleted the push button switch limitation from Claim 1 and has added new Claim 38 directed to the push button switch. Applicant respectfully request entry of new Claims 38-39 into the prosecution of the present application.

With respect to Claim 38, Applicant respectfully submits that there is no motivation to incorporate the push button switch into the Shaffer device based on a view that the Shaffer device would be made inoperable for its intended purpose. The purpose of the Shaffer device is to provide a suggested course of action to the user to avoid an impending physical threat. (Column 1, Lines 55-58). The Shaffer device identifies and classifies the physical threat via sensors. Some of which are an air pressure sensor, and a noxious gas sensor, a temperature sensor, an accelerometer, and an electrostatic sensor. These various sensors and the purposes therefor are disclosed in Columns 3 and 4 of Shaffer. Additionally, Shaffer also discloses that networking a plurality of the Shaffer devices to exchange information about different threats located near each of the Shaffer devices may further aid the Shaffer device worn by

the user to identify and classify various impending physical threats to warn the user of the same and suggest a course of action. (Column 5, Lines 32-41). For example, if a first person encountered a physical threat (e.g., thunder storm, etc.) then a second person would be notified of such impending physical threat located near the first person. The Shaffer device classifies the various physical threats surrounding the second person to provide a suggested course of action to avoid the various surrounding physical threats.

If the push button switch was incorporated into the Shaffer device then the Shaffer device would made inoperable for its intended purpose. The intended purpose of the Shaffer device is to provide a suggested course of action to avoid an impending physical threat, as discussed above. (Column 1, Lines 55-58). If a push button switch was incorporated into a plurality of Shaffer devices networked together then the networked Shaffer devices would merely know that the first person is encountering an unknown physical threat because the push button switch does not indicate any specific type of physical threat (e.g., thunder storm, fire, etc.) unlike the other sensors of the Shaffer device. The Shaffer device worn by the second person would not know the type of physical threat, the gravity of the physical threat or any other information useful to the second person. As a result, the Shaffer device would not be able to provide a suggested course of action to the second person based on the activation of the push button switch by the first person. The reason is that the information of an unknown physical threat shared amongst the networked Shaffer devices cannot be compared to a known physical threat (e.g., fire, etc.) or other unknown physical threats. The Shaffer device worn by the user (i.e., second person) would be incapable of providing the user any sort of suggested course of action because the Shaffer device would not be able to ascertain the safest course of action.

For example, if the user's Shaffer device was alerted to an unknown physical threat to the east by the first person through activation of the push button switch and simultaneously a thunderstorm to the west, then the Shaffer device would not be able to gauge whether it is safer to proceed east or west. It would not know which physical threat is less dangerous. Hence, the Shaffer device worn by the second person would not provide any suggested course of action. The push button switch and the shared information derived from the activation of the push button switch would make the Shaffer device inoperable for its

intended purpose (i.e., provide a suggested course of action to avoid impending physical threat) and thus there is no motivation to incorporate the push button switch into the Shaffer device. Hence, Claim 38 is believed to be in condition for allowance.

Additionally, with respect to Claim 39, Applicant respectfully submits that there is no motivation to incorporate a modem input device such that the first of either the vibration sensor or the modem input device to sense impending danger or receive a danger signal regarding the impending danger, respectively, activates selective output devices. In support thereof, Applicant respectfully directs the Examiner's attention to col. 5, lns. 19-41 of Shaffer which disclose a "cellular network." More particularly, Applicant directs the Examiner's attention to lines 22-26 which recites that "if several personal alert devices detect noxious gases but at different times and with different intensities, a more detailed recommended course of action could be formulated by the processor." (emphasis added). This passage is understood to mean that the personal alarm system gathers data from other personal alarm systems as well as its own threat sensor (e.g., noxious gas sensor) over a period of time to provide a more detailed course of action to the user. The passage also suggests that the data gathered either through the threat sensor or the cellular network may be gathered at different times by the personal alarm system and does not immediately formulate the detailed recommended course of action and activate the selective output devices but rather waits for the incoming data to be gathered. Accordingly, as understood, Shaffer suggests waiting until the threat information is gathered by the personal alarm system via its various input sensors and not activating the output devices as soon as either the vibration sensor or the modem input device senses impending danger or receives danger signals regarding the impending danger, respectively. Hence, there is no motivation to modify the Shaffer device such that the first of the modem input device or the vibration sensor to receive danger signals or sense danger, respectively, activates selective output devices. Thus, Applicant respectfully submits that Claim 39 is believed to be in condition for allowance. For the foregoing reasons, Applicant respectfully submits that Claims 2-20 and 38-39 is believed to be in condition for allowance for containing additional patentable subject matter.

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**CONCLUSION**

For the foregoing reasons, Applicant respectfully submits that Claims 1-20 and 38-39 are in a condition for allowance. An early Notice of Allowance is therefore respectfully requested.

Should the Examiner have any questions, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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